An Exact

NARRATIVE

OF THE

Tryals of the Pyrates:

And all the Proceedings at the late Goal-Delivery of the Admiralty, held in the *Old-Bayly*, on *Thursday* & *Saturday*, the 7th. and 9th. of *Jan.* 167½.

WHERE

Eight Persons were Condemned to Dye:

(Viz.)

Capt. *George Cusacke*, alias, *Dixon*, alias, *Smith*.	*Gerrard Stack*,	For taking and robbing two Ships, the *Robert*, near the *Fly*; & the *Anne*, on the Dogger-Sands.
Gerrard Counden.	*Henry Lovewell*,	
William Collingwood.	*Simon Marker*, and	
	Miles Fitz-Gerrard.	

And John King, *For Taking and Robbing a Ship called the* Palm-Tree, *near* Harwich.

As likewise the Fineing of an Ostend *Captain* 400*l. and Two of his Officers* 50*l. a Piece, for not Striking Sail to the* Woolwich, *one of his Majesties Frigates.*

And many other Circumstances there, very Remarkable: the like Court having not been held for many years before.

Printed in the Year

NARRATIVE

OF THE

Proceedings againſt the Pyrates, &c.

CAptain *George Cuſacke*, ſometimes called *Dixon*, and at other times *Smith*, with ſeveral of his Confederates have been detained above ſix months Priſoners in the *Marſhalſes* in order to their Tryal, which at laſt was appointed to be on Thurſday the ſeventh of *Jan.* Inſtant, at Juſtice-Hall in the *Old-Bayley*, as a place moſt convenient for that purpoſe; But this Captain being it ſeems conſcious of his own Merits, and apprehenſive of the danger, on the Munday before in the Night time broke Priſon, getting firſt down a Chimney into a lower Chamber, and then by a rope into a Garden, and ſo cleverly made his eſcape, and could not be heard of till this very Thurſday, juſt as the Court was going to ſit; at which time diligent inquiry having been made all ways, and rewards promiſed for his Diſcovery; News came that there was notice of him at a certain Houſe towards the upper end of *Holbourn*, where immediately after he was taken in bed with a Woman, who was brought along with him forthwith to the *Old-Bayley*, and was by ſome reported to be his Siſter; The other priſoners were brought over the Water with a ſtrong guard.

The Court was held by special commission of *Oier* and *Terminer*, and Goal-Delivery, directed to Honourable persons of the Court of Admiralty, and several of his Majesties Justices of the Courts at *Westminster*, &c. A silver Oar was born before the Judge of the Admiralty, and three Anchors put up on a cloath above the Kings Arms, over the Bench.

The Judge after the Commission read gave his charge to the grand Inquest in an excellent Oration, acquainting them with his Majesties right of Soveraignity over the Brittish Seas even to the very shores of his Neighbours; that they have always been accounted the royal Chambers of our *English* Monarchs, whose Jurisdiction extends to punish all outrages, violencies, and offences whatsoever committed thereupon by any persons whether his Subjects or strangers upon Ships, persons, or goods of our own Nation, or others in Amity with us; Then he shewed the heiniousnes of the crime of Pyracy, that it was against the Law of Nations, destructive to commerce, and therefore particularly branded by our English Laws by being excepted out of the benefit of Clergy, allowed in other cases, deviding the offences he had to give them in charge as the subjects of their enquiry at this time into things against the Statute Law, and things contrary to the laws customes and usages of the Admiralty, on each of which he particularly enlarged, and amongst other things declared the Ceremony of the Flag to be our Kings indubitable right, whereby al Ships whatsoever in

in those Seas are bound to strike to those of his Majesties wherever they meet them, and that all that refuse so to do are severely punishable by the *Laws* and customes of the Admiralty, &c.

Immediately after this, six prisoners were brought to the Bar: *viz. George Cusack, William Coundon, Gerrard Stack, Simon Parker, Henry Lotewell*, and *William Collingwood*; who were indicted for that on the third Day of *July* last past they *Pyratically* and feloniously did set upon a Ship call'd the *Robert* near a place call'd the *Fly* on the Coast of *Holland*, and by another indictment that they had feloniously stoln several goods out of another ship, whose names to the *Jurors* was unknown. To both these *Indictments* they pleaded not guilty: But upon the Evidence the case appeared to be in effect thus. *Crusacke* and others of his company, having a design to rob this ship, and understanding the Master wanted Seamen, set two of their *Confederates* to offer their service to him, where they were entertained, and at last betray'd the ship into his hands, which he carryed away, &c. The Captain at first took some exception to the Jury not for any prejudice against any particular men of them, but because they were Citizens, who did not, he said, understand Marine affairs, and that it was necessary Sea Captains and Masters of ships should have been empannel'd, upon which ocasion he cryed out. We will be try'd my Lord by men of our own Trade. Which being understood in another sence made not only the Audience, but his fellow Prisoners to laugh heartily; But being over ruled in this, he next insisted on a Commission from the French King, which was read, but was found to be directed to another person; but he alledged it was his Kinsman,

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who had the grant of a Commission at the same time, and that by mistake the Commissions were changed, and so his Kinsmans Commission sent to him from *Calice* to *London*, where he paid a summ of money for it to the *French* resident, and that he not being able to read French could not perceive the error, but acted by it, not doubting but it had been his own, and that this Ship the *Robert* was never made any free ship of *England*, but the owners were Dutch, and liv'd in *Rotterdam*, and that they hop'd the Court would allow of his Commission, the Court told him the Comission was nothing worth, for if it had been directed to him (as it was not) there yet was no power given him thereby to seize ships of *England* as this was proved to be; besides they askt how he durst take a Comission from any forraign Prince directly contrary to the late treaty and his Majesties Proclamation. To which he replyed that his Commission bore date before that proclamation; and besides insisted that whereas by the Indictment he was charged with an offence committed *Super altum Mare* upon the Sea, this Ship was taken in one of the Dutch ports, and so not appertaining to the Jurisdiction of the English Admiralty, but this the witnesses refuted proving she was taken three Leagues out at Sea off from the *Fly*.

This having taken up some time in debate, and all heard that the Prisoners could offer. Three more were brought to the Bar, viz. *Michael* Fitz-*Gerrard*, *Morice* Fitz-*Gerrard*, and *Daniel Cokry*, who together with the six others before named were afresh indicted on Two other indictments for taking Pyratically a Ship called the *Ann* laden with Deals from *Norway*, and man'd by *Danes* the Ship valued at six hundred pound the lading

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(moſt part of which belonged to Capt. *Sherter* on the *Bankſide*) reckoned in the Indictment at 300*l*. They took her on the 23*d*. of *Auguſt* laſt, on the *Doggar-ſands*, and puting the men they found on board her into an old Fly-boat they had formerly taken, turned them adriſt, who after much danger and hardſhip, got aſhore neer *Yarmouth*, and now came in to Evidence againſt them: as for the ſhip, they had ſold her at *Aberdeen*, for 250*l*. To all this the priſoners had little to ſay in excuſe, only the Captain pleaded his Commiſſion, and that he was informed it was a Dutch ſhip that ſome of the owners lived in *Holland*, &c.

So that after ſome time, The Jury brought them All, (Except Morrice Fitz-Gerrhard, *and* Cokry, *againſt whom there was no ſufficient proof, ſo that they were Cleared) Inguilty, ſome upon 2 & 3, ſome (particularly the Capt.) upon all 4 of the afore recited Indictments of Pyracy and Robbery.*

This Mr. *Cuſacke*, appeared to be a perſon of a clear courage, and good underſtanding: he pleaded very well for his life, but the matter was too foul to be waſh't off with good words.

There was likewiſe one Capt. *Dela Mare* of *Guerneſey*, with *John King*, and *William Kendal*, tryed for robbing a Scotch ſhip called the *Palm-tree* off of *Harwich*, and ſtealing ſeveral ſumms of Money and Goods, the Capt. ſhewed a *French* Commiſſion, and that being at Sea in want of ſome Cordage and proviſion, he went on board this ſhip, and took ſome neceſſaries, promiſing to pay for them, but as for Money he knew nothing of it, but told the Maſter at that time when he complained, that if he could find who had it, it ſhould be reſtored. However, plain proof came in, that ſaw *King* take it out of the Cheſt, ſo he only was found *Guilty*, and the other two *Acquitted*.

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A Captain belonging to Ostend, *and two of his Officers, subjects to the King of* Spain, *were Indicted and found* Guilty *of a Contempt for not Strikeing their Flag, and lowring their Topsail, being thereunto required by the* Woolwich, *one of his Majesties Frigates, who gave them three guns, and yet still they obstinately refused, to the high Contempt of his Majesty, and abuse of his Royal prerogative. They had all the favour that was possible shewn them in their Tryal; because they were strangers, an Interpreter was allow'd them, and a Jury half* English *and the rest of them* Aliens, *who could not but bring them in* Guilty, *their Obstinacy and Contempt being apparently proved by several Witnesses.*

Five Young men were Indicted for a Riot and Rescue on the Sea, of which they acknowledged themselves *guilty*, and were fined 5*l*: a piece.

The court having withdrawn about an hour, returned to give Judgement, which was performed in most grave and solid speeches, seting forth the nature and aggravations of their crimes, and advising them to prepare for Death, &c. Capt. Cusacke *presented a petition, wherein he begged his life very pathetically, recounting his former services, and offering himself to the service of his Majesties gallies at* Tangier, *till by his future good demeanour and services he might wash off the staines of his late ill actions, &c: Most of the others presented petitions also, desiring mercy and favour of the court, who proceeded to give Judgement. Which against Captain* Cusacke *and the seven others before mentioned to be convicted for pyracy and Robbery was, That they should be hang'd till they were dead.*

As for the *Offenders*, the Captain was fined four hundred sterling, and the other two fifty pound a piece; for their contempt. The Court declaring his Majesties extraordinary favour in this proceeding, since by contumelious speeches, and taking one of our ships they had justly merited capital punishment, and might have been prosecuted accordingly. *Finis.*